

STATEMENT OF PURPOSE**RS23350**

This is one of a series of bills that the Idaho Supreme Court has recommended in its annual report to the Governor concerning defects or omissions in the laws, as required under Article V, Section 25 of the Idaho Constitution. Idaho Code § 49-654 defines speeding infractions. However, as the statute is now written, certain legally set speed limits on state highways and interstate highways may be unenforceable. The Idaho Transportation Board has the authority under Idaho Code § 49-201(4) to declare reasonable and safe maximum speed limits of less than 75 mph on interstate highways and less than 65 mph on state highways. But Idaho Code § 49-654(2)(b) provides only that no person shall drive at a speed above 75 mph on interstate highways, unless the limit has been set at 80 mph. Similarly, Idaho Code § 49-654(2)(c) provides that no person shall drive at a speed in excess of 65 miles per hour on state highways, unless the speed limit has been increased to 70 miles per hour. There is no provision in Idaho Code § 49-654 requiring drivers to observe legally set speed limits lower than 75 mph on interstate highways or lower than 65 mph on state highways. This bill would implement the legislative intent by making it an infraction for drivers to exceed the posted limits on interstate highways and state highways that have been set by the Idaho Transportation Board.

FISCAL NOTE

This bill may result in some undeterminable amount of increased revenue from fines and fees imposed in speeding cases that under the current statute might be dismissed.

Contact:

Senior Judge Barry Wood
(208) 334-2246
Michael Henderson, Legal Counsel
Idaho Supreme Court
(208) 334-2246

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